

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 500  
DENVER, CO 80202-2466

*m/35/002***TELEFAX**

**TO:** Wayne Heburg

**AGENCY:** Division of Oil, Gas and Mining

**CITY/STATE:** SLC, UT

**FAXPHONE#:** 801-359-3940

**NUMBER OF PAGES (Including cover sheet):** 3

**FROM:** Terry Brown

**PHONE No.:** (303) 312-6419

**REMARKS:** Please find a copy of a letter from EPA (dated 11/3/01) requesting information on Kennecott.

**RECEIVED**

JAN 10 2002

DIVISION OF  
OIL, GAS AND MINING

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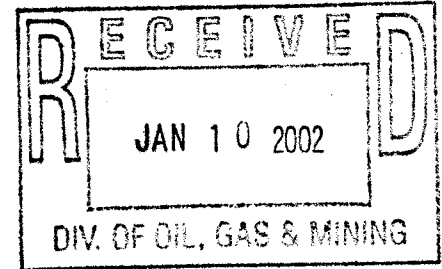
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NOV 3 2001



Ref: 8P-HW

Lowell Braxton, Director  
Division of Oil, Gas and Mining  
Utah Department of Natural Resources  
P.O. Box 145801  
Salt Lake City, UT 84114-5801

Re: Request for information regarding the Waste  
Rock Piles Units at the Kennecott Facility

Dear Mr. Braxton:

The U.S. Environmental Protection Agency (EPA) has received a request from the Kennecott Utah Copper Corporation to conduct Acceptability Determinations on two units at their facility located at 8315 West 3595 South, Magna, Utah, pursuant to the Off-Site Rule (OSR) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The units to be evaluated for an acceptability determination are the Dry Fork Waste Rock Area and the East Side Waste Rock Area.

EPA promulgated the OSR in 1993 to establish criteria and procedures for determining whether an unit at a facility is allowed to be sent CERCLA waste from response actions authorized or funded under CERCLA. The units which are allowed to receive CERCLA wastes are designated "acceptable". All other waste/material management units are considered "unacceptable". The OSR directs EPA, States, private parties, or other Federal agencies to send wastes from response actions authorized or funded under CERCLA only to waste/material management units that are deemed acceptable by EPA.

In order to properly determine whether the waste management units meet the OSR criteria to be deemed acceptable, EPA needs information from the Agencies having the most direct responsibility over the potential receiving facilities. We are requesting the following information from the Division of Oil, Gas and Mining (Division):

- Does the Division have any information indicating that an environmentally significant release of hazardous substances has occurred from any unit(s) at the Kennecott facility? The list of hazardous substances can be found on table 302.4 of section 40 CFR 302.4 of the Code of Federal Regulations.



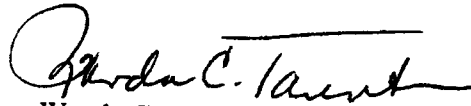
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- If such release has occurred, is the release controlled by an enforceable agreement for corrective action under applicable State authority?
- If such release has occurred, has the release been found to pose a threat to human health and the environment?
- Are there any significant violations that affect the entire facility that have not been corrected? If so, please provide details.
- Are there any relevant violations at or affecting the Dry Fork Waste Rock Area that have not been corrected? If so, please provide details. Relevant violations include significant deviations from regulations, compliance order provisions, or permit/license conditions designed to: ensure that CERCLA waste is destined for and delivered to authorized facilities; prevent releases of hazardous wastes, hazardous constituents, or hazardous substances to the environment; ensure early detection of such releases; or compel corrective action for releases.
- Are there any relevant violations at or affecting the East Side Waste Rock Area that have not been corrected? If so, please provide details.

Please find enclosed a copy of the OSR as it appeared in the Federal Register which is titled, "Amendment to the National Oil and Hazardous Substances Pollution Contingency Plan; Procedures for Planning and Implementing Off-site Response Actions". The OSR can also be found at 40 CFR 300.440.

We thank you in advance for your efforts in providing us with the above information. If you have questions concerning our comment, please contact Terry Brown at (303) 312-6419.

Sincerely yours,



Wanda C. Taunton, Director  
Solid and Hazardous Waste Program

Enclosure

cc: Jim Christiansen - 8EPR-SR  
Bob O'Brien - UDEQ  
Wayne Hedburg - UDNR